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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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# Office Action Summary

**Application No.**

09/870,475

**Applicant(s)**

KUROKAWA ET AL.

**Examiner**

Peter K. Huntsinger

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: 5/00

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 3/19/08 have been fully considered but they are not persuasive.

The applicant argues on page 1 of the response in essence that:

Claims 9 and 15 are not indefinite under 35 U.S.C. § 112 because the URL recorded on the recording medium does not necessitate re-recording of the URL information on the CD-R.

a. According to the applicant's specification, renewal of the URL involves recording a URL on the recording medium a subsequent time. The application specifies the recording medium as a CD-R. Because a CD-R cannot be recorded more than a single time, it could not store a URL while another URL is recorded at a later time.

The applicant argues on pages 14 and 15 of the response in essence that:

Arledge '294 does not disclose that a requester of a print order receives an image print that is printed based on said print command data, at a place that is selected by said requester from a list of print-order destinations.

b. Arledge '294 discloses that the end-user identifies a store from a store list (Fig. 7, col. 14, lines 16-26).

***Claim Rejections - 35 USC § 112***

Art Unit: 2625

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant's specification discloses the mountable recordable medium as a CD-R and discloses the limitation of renewing said server-connection address information and said designated print-order acceptor information as rerecording (page 9, lines 1-2). A CD-R cannot be recorded more than one time and thus the limitation is not possible.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-11, 13-17, 19-22, 25, 29-31 and 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota '742 in view of McIntyre '868 and Arledge '294.

Referring to **claim 1**, Shiota '742 discloses an image print order system using a network, comprising:

an order receiving server which is connected to said network (center-server 12 of Fig. 1, col. 2, lines 12-27); and

a terminal unit connectable to said network (customer 1 of Fig. 1, col. 10, lines 5-13); wherein

said terminal unit, storing digital image data (col. 4, lines 4-19, image data may be included in the instruction information), server-connection address information (col. 9-10, lines 57-58, 1-13, access to the center server in the form of a webpage), and print-order acceptor information which designates an acceptor as a print-order destination (col. 11, lines 10-21, order information showing laboratory at which print is received), said terminal unit is connected to said order receiving server based on said server-connection address information (col. 9-10, lines 57-58, 1-13, access provided through webpage) so as to transmit said designated print-order acceptor information (col. 10, lines 14-16, order information transmitted from the customer to the center server 12) and at least a part of said digital image data at the same time to said order receiving server (col. 4, lines 17-19, image data included with order information), and wherein

said order receiving server outputs print command data based on the received digital image data (col. 11, lines 10-14, laboratory is selected as the laboratory to output the print), and outputs command data so that a requester of a print receives an image print that is printed based on said print command data, at a place that is determined based on the print-order acceptor information (col. 11, lines 35-39, laboratory server 8 carries out the processing).

Shiota '742 discloses a computer-readable medium (customer's PC) storing the image data, server-connection address information, and print-order acceptor information, but does not disclose expressly a mountable computer-readable medium storing said data.

McIntyre '868 discloses a mountable computer-readable medium storing data and connecting to the server when the computer-readable medium is mounted (col. 6, lines 15-37, CD storing images when loaded communicates to a network photoservice provider).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to store the image data, server-connection address information, and print-order acceptor information of Shiota '742 in the mountable computer-readable medium of McIntyre '868. The motivation for doing so would have been to allow the user to order images from any computer.

Shiota '742 does not disclose expressly a requester selecting the print-order destination from a list.

Arledge '294 discloses that a requester of a print order receives an image print that is printed based on said print command data, at a place that is selected by said requester from a list of print-order destinations (Fig. 7, col. 14, lines 16-26, end-user identifies store from the store list).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to allow a user to select an alternate print order acceptor than previously designated. The motivation for doing so would have been to allow the user select the

optimal acceptor. Therefore, it would have been obvious to combine Arledge '294 and Shiota '742 with McIntyre '868 to obtain the invention as specified in claim 1.

Referring to **claim 2**, Shiota '742 discloses wherein said order receiving server is a WWW server (col. 9-10, lines 57-58, 1-13, access to the center server through webpage).

Referring to **claim 3**, Shiota '742 discloses wherein said print-order acceptor information is recorded on said computer-readable medium and transmitting said digital image data to said WWW server (col. 10, lines 14-16, order information transmitted from the customer to the center server 12) (col. 4, lines 17-19, image data included with order information).

Shiota '742 does not disclose expressly wherein said print-order acceptor information is a URL.

Arledge '294 discloses wherein print-order acceptor information is URL data for specifying a WWW page created for each acceptor (col. 14, lines 26-34, website address of retail store), and

a terminal unit, after acquiring data of the WWW page for each acceptor designated by the print-order acceptor information, transmits said digital image data to a WWW server (col. 3, lines 18-39, end-user transferred from retailer web site to wholesaler web site for ordering printed products).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to store the print-order acceptor information as URL data. The motivation for doing so would have been to allow the user to directly communicate directly with a print

shop, thereby providing an expedited method for ordering printed products. Therefore, it would have been obvious to combine Arledge '294 with Shiota '742 and McIntyre '868 to obtain the invention as specified in claim 3.

Referring to **claim 4**, Arledge '294 discloses wherein the data of the WWW page for each acceptor includes data for acquiring data of a WWW page of an acceptor other than the acceptor designated by said print-order acceptor information (col. 14, lines 26-34, plurality of web site addresses).

Referring to **claim 6**, Arledge '294 discloses wherein when the acceptor designated by said print-order acceptor information cannot receive the print order or when an acceptor is changed through selection by a requester of the print order via said terminal unit (Fig. 7, col. 14, lines 16-26, end-user identifies store from the store list), said order receiving server outputs command data so that the requester of the print order receives the image print from an acceptor other than the acceptor designated by said print-order acceptor information (col. 3, lines 18-39, end-user transferred from retailer web site to wholesaler web site for ordering printed products).

Referring to **claim 7**, Shiota '742 discloses wherein said server-connection address information (col. 9-10, lines 57-58, 1-13, access to the center server in the form of a webpage) and print-order acceptor information which designates an acceptor as a print-order destination (col. 11, lines 10-21, order information showing laboratory at which print is received) are recorded.



McIntyre '868 discloses wherein said data is recorded when the digital image data is recorded in said computer-readable medium (col. 6, lines 15-36, CD provided with images and software to communicate with network photoservice provider).

Referring to **claim 8**, Shiota '742 discloses said designated print-order acceptor information, but does not disclose expressly wherein said designated print-order acceptor information specifies the creator of the computer-readable medium.

McIntyre '868 discloses wherein said designated print-order acceptor information is data that specifies a receiver of request to whom creation of said computer-readable medium has been requested (col. 13, lines 41-52).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the creator of a photo CD to store their laboratory as the print order receiver. The motivation for doing so would have been to provide a CD creating service and a print ordering service at the same entity. Therefore, it would have been obvious to combine McIntyre '868 with Shiota '742 to obtain the invention as specified in claim 8.

Referring to **claim 9**, Shiota '742 discloses wherein said server-connection address information and said print-order acceptor information are renewable (col. 3, lines 41-46, customer specifies laboratory).

Referring to **claim 10**, Shiota '742 discloses a computer-readable medium on which digital image data has been recorded (col. 4, lines 4-19, image data may be included in the instruction information, the medium which stores therein connection address data (col. 9-10, lines 57-58, 1-13, access to the center server in the form of a webpage) to an order receiving server connected to said network (customer 1 of Fig. 1,

col. 10, lines 5-13), print-order acceptor information (col. 11, lines 10-21, order information showing laboratory at which print is received), wherein:

the print-order acceptor information designates an acceptor as a print-order destination (col. 11, lines 10-21, order information showing laboratory at which print is received), and

said terminal unit (customer 1 of Fig. 1, col. 10, lines 5-13) to connect to said order receiving server through said network and to transmit said image data (col. 4, lines 17-19, image data included with order information) and said print-order acceptor information (col. 10, lines 14-16, order information transmitted from the customer to the center server 12) to said order receiving server so that said image data is printed according to said print-order acceptor information (col. 11, lines 35-39, laboratory server 8 carries out the processing).

Shiota '742 discloses a computer-readable medium (customer's PC) storing the image data, server-connection address information, and print-order acceptor information, but does not disclose expressly a mountable computer-readable medium storing said data.

McIntyre '868 discloses a mountable computer-readable medium storing data and a run program which connects to the server when the computer-readable medium is mounted (col. 6, lines 15-37, CD storing images when loaded communicates to a network photoservice provider).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to store the image data, server-connection address information, and print-

order acceptor information of Shiota '742 in the mountable computer-readable medium of McIntyre '868. The motivation for doing so would have been to allow the user to order images from any computer.

Shiota '742 does not disclose expressly a requester selecting the print-order destination from a list.

Arledge '294 discloses that a requester of a print order receives an image print that is printed based on said print command data, at a place that is selected by said requester from a list of print-order destinations (Fig. 7, col. 14, lines 16-26, end-user identifies store from the store list).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to allow a user to select an alternate print order acceptor than previously designated. The motivation for doing so would have been to allow the user select the optimal acceptor. Therefore, it would have been obvious to combine Arledge '294 and Shiota '742 with McIntyre '868 to obtain the invention as specified in claim 10.

Referring to **claim 11**, see the rejection of claim 2 above.

Referring to **claim 13**, see the rejection of claim 7 above.

Referring to **claim 14**, see the rejection of claim 8 above.

Referring to **claim 15**, see the rejection of claim 9 above.

Referring to **claim 16**, Shiota '742 discloses a method for providing a computer-readable medium on which digital image data have been recorded, wherein at least one of (i) digital image data obtained by developing a photographic film before development and carrying out a photoelectrical conversion of the image after development, (ii) digital

image data obtained by carrying out a photoelectrical conversion of the photographic film after development or an image of an image print, and (iii) digital image data recorded on other computer-readable mediums is recorded on said computer-readable medium (col. 8, lines 34-37, stores pictures recorded on the film in an image server), the method comprising:

recording on said computer-readable medium connection address data (col. 9-10, lines 57-58, 1-13, access to the center server in the form of a webpage) to a print order receiving server connected to a network (center-server 12 of Fig. 1, col. 2, lines 12-27), and print-order acceptor information (col. 11, lines 10-21, order information showing laboratory at which print is received), wherein:

the print-order acceptor information designates an acceptor as a print-order destination (col. 11, lines 10-21, order information showing laboratory at which print is received), and

said terminal unit (customer 1 of Fig. 1, col. 10, lines 5-13) to connect to said order receiving server through said network and to transmit said image data (col. 4, lines 17-19, image data included with order information) and said print-order acceptor information (col. 10, lines 14-16, order information transmitted from the customer to the center server 12) to said order receiving server so that said image data is printed according to said print-order acceptor information (col. 11, lines 35-39, laboratory server 8 carries out the processing).

Shiota '742 discloses a computer-readable medium (customer's PC) storing the image data, server-connection address information, and print-order acceptor

information, but does not disclose expressly a mountable computer-readable medium storing said data.

McIntyre '868 discloses a mountable computer-readable medium storing data and a run program which connects to the server when the computer-readable medium is mounted (col. 6, lines 15-37, CD storing images when loaded communicates to a network photoservice provider).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to store the image data, server-connection address information, and print-order acceptor information of Shiota '742 in the mountable computer-readable medium of McIntyre '868. The motivation for doing so would have been to allow the user to order images from any computer.

Shiota '742 does not disclose expressly a requester selecting the print-order destination from a list.

Arledge '294 discloses that a requester of a print order receives an image print that is printed based on said print command data, at a place that is selected by said requester from a list of print-order destinations (Fig. 7, col. 14, lines 16-26, end-user identifies store from the store list).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to allow a user to select an alternate print order acceptor than previously designated. The motivation for doing so would have been to allow the user select the optimal acceptor. Therefore, it would have been obvious to combine Arledge '294 and Shiota '742 with McIntyre '868 to obtain the invention as specified in claim 16.

Referring to **claim 17**, see the rejection of claim 2 above.

Referring to **claim 19**, see the rejection of claim 8 above.

Referring to **claim 20**, Shiota '742 discloses an image print ordering system, comprising:

one or more print service receiving servers connected to a network (center-server 12 of Fig. 1, col. 2, lines 12-27); and

a terminal configured to connect to the network (customer 1 of Fig. 1, col. 10, lines 5-13), wherein

information stored within a computer-readable medium includes connection address data of a selected print service receiving server among the one or more print service receiving servers (col. 9-10, lines 57-58, 1-13, access to the center server in the form of a webpage), requested service shop data (col. 11, lines 10-21, order information showing laboratory at which print is received), and image data (col. 4, lines 4-19, image data may be included in the instruction information),

the terminal is configured to transmit print request data, the requested service shop data (col. 10, lines 14-16, order information transmitted from the customer to the center server 12), and the image data (col. 4, lines 17-19, image data included with order information) at the same time to the selected print service receiving server via the network based on the connection address data (col. 9-10, lines 57-58, 1-13, access provided through webpage), and

the selected print service receiving server is configured to transmit reception data to a requested service shop corresponding to the requested service shop data (col. 11,

lines 10-14, laboratory is selected as the laboratory to output the print) to fulfill a print order corresponding to the print request data and the image data transmitted from the terminal information (col. 11, lines 35-39, laboratory server 8 carries out the processing).

Shiota '742 discloses a computer-readable medium (customer's PC) storing the image data, connection address information, and requested service shop data, but does not disclose expressly a mountable computer-readable medium storing said data.

McIntyre '868 discloses a mountable computer-readable medium storing data and connecting to the server when the computer-readable medium is mounted (col. 6, lines 15-37, CD storing images when loaded communicates to a network photoservice provider).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to store the image data, connection address information, and requested service shop data of Shiota '742 in the mountable computer-readable medium of McIntyre '868. The motivation for doing so would have been to allow the user to order images from any computer.

Shiota '742 does not disclose expressly a requester selecting the print-order destination from a list.

Arledge '294 discloses that a requester of a print order receives an image print that is printed based on said print command data, at a place that is selected by said requester from a list of available service shops (Fig. 7, col. 14, lines 16-26, end-user identifies store from the store list).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to allow a user to select an alternate print order acceptor than previously designated. The motivation for doing so would have been to allow the user select the optimal acceptor. Therefore, it would have been obvious to combine Arledge '294 and Shiota '742 with McIntyre '868 to obtain the invention as specified in claim 20.

Referring to **claim 21**, the main embodiment of Shiota '742 discloses the selected print service receiving server but does not disclose expressly determining whether the requested service shop is an agency.

The alternative embodiment of Shiota '742 discloses determining whether the requested service shop is an agency, and  
transmitting the reception data to an alternate service shop to fulfill the print order when it is determined that the requested service shop is an agency (col. 8, lines 29-34, prints may be generated by a wholesale lab 14 following a request from the agency 13).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to allow the print service receiving server to transmit an order to an alternate shop. The motivation for doing so would have been to allow the agency to contract orders to other businesses. Therefore, it would have been obvious to combine the alternative embodiment of Shiota '742 with the main embodiment of Shiota '742 and McIntyre '868 to obtain the invention as specified in claim 21.

Referring to **claim 22**, Shiota '742 discloses where the alternate service shop is configured to deliver a resulting print to the requested service shop (col. 8, lines 37-41, prints ordered from wholesale lab delivered to the agency).



Referring to **claim 29**, see the rejection of claim 20 above.

Referring to **claim 30**, see the rejection of claim 21 above.

Referring to **claim 31**, see the rejection of claim 22 above.

Referring to **claim 35**, McIntyre et al. disclose providing an order content input processing program to the terminal via the network prior to receiving the print request from the terminal, wherein the order content input processing program is executed by the terminal to generate the print request (col. 6, lines 15-37, CD storing images when loaded communicates to a network photoservice provider).

Referring to **claim 36**, Shiota '742 discloses wherein information of a print order requester are recorded on the computer-readable medium (col. 5, lines 31-42, recipient name and address).

Referring to **claim 37**, see the rejection of claim 36 above.

Referring to **claim 38**, see the rejection of claim 36 above.

Referring to **claim 39**, see the rejection of claim 36 above.

Referring to **claim 40**, see the rejection of claim 36 above.

6. Claims 5-9 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota '742, McIntyre '868, and Arledge '294, as applied to claims 3 and 23 above, and further in view of Fanning '023.

Referring to **claim 5**, Shiota '742 discloses the acceptor designated by said print-order acceptor information but does not disclose expressly obtaining a substitute WWW page if the acceptor cannot receive the order.

Fanning '023 discloses accessing a different server whenever a file cannot be transferred from a server (col. 7, lines 49-65). Fanning '023 further discloses the method of accessing a server through FTP (col.7-8, lines 66-68, 1-6), which is a protocol for accessing WWW pages and files.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow the image print order system of Shiota '742 to access a website of another server whenever a server becomes unavailable. The motivation for doing so would have been to provide an alternative server for file transfer if one server becomes unavailable. Therefore, it would have been obvious to combine Fanning '023 with Shiota '742, McIntyre '868, and Arledge '294 to obtain the invention as specified in claim 5.

Referring to **claim 6**, see the rejection of claim 6 above.

Referring to **claim 7**, see the rejection of claim 7 above.

Referring to **claim 8**, see the rejection of claim 8 above.

Referring to **claim 9**, see the rejection of claim 9 above.

Referring to **claim 24**, Fanning '023 discloses where it is determined that the requested service shop is unavailable and receiving an alternative shop (col. 7, lines 49-65).

Arledge '294 discloses where the selected print service receiving server is configured to

provide to a user of the terminal one or more available service shops capable of fulfilling the print order, and

receive the service shop chosen by the user from the one or more available service shops (Fig. 7, col. 14, lines 26-34, store chosen by user).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to allow a user to select an alternate shop than previously designated. The motivation for doing so would have been to allow the user select the optimal shop. Therefore, it would have been obvious to combine Arledge '294 with Shiota '742 and McIntyre '868 to obtain the invention as specified in claim 24.

7. Claims 23 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota '742, McIntyre '868 and Arledge '294, as applied to claims 20 and 31 above, and further in view of Fanning '023.

Referring to **claim 23**, Shiota '742 discloses the selected print service receiving server, but does not disclose expressly sending the order to an alternate shop if the selected shop is unavailable.

Fanning '023 discloses accessing a different server whenever a file cannot be transferred from a server (col. 7, lines 49-65). Fanning '023 further discloses the method of accessing a server through FTP (col.7-8, lines 66-68, 1-6), which is a protocol for accessing WWW pages and files.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow the image print order system of Shiota '742 to access a website of another server whenever a server becomes unavailable. The motivation for doing so would have been to provide an alternative server for file transfer if one server becomes

unavailable. Therefore, it would have been obvious to combine Fanning '023 with Shiota '742 and McIntyre '868 to obtain the invention as specified in claim 23.

Referring to **claim 32**, see the rejection of claim 23 above.

8. Claims 26-28, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota '742, McIntyre '868 and Arledge '294, as applied to claim 20 above, and further in view of Hurtado '812.

Referring to **claim 26**, McIntyre '868 discloses wherein the computer-readable medium further includes a run program and

the terminal is configured to execute the run program when the computer-readable medium is mounted to the terminal to connect to the selected print service receiving server (col. 6, lines 15-37, CD storing images when loaded communicates to a network photoservice provider).

McIntyre '868 does not disclose expressly an automatic run program.

Hurtado '812 discloses an automatic run program (col. 84, lines 45-60).

At the time of the invention, it would have been obvious to a person of ordinary skill to automatically run a program when a CD is inserted. The motivation for doing so would have been to eliminate the need for the user to manually load the program on the CD. Therefore, it would have been obvious to combine Hurtado '812 with Shiota '742 and McIntyre '868 to obtain the invention as specified in claim 26.

Referring to **claim 27**, McIntyre '868 discloses wherein the computer-readable medium further includes a to-network connection program operated by the run program

(col. 6, lines 15-37, CD storing images when loaded communicates to a network photoservice provider).

Referring to **claim 28**, McIntyre '868 discloses wherein the computer-readable medium further includes a viewer program for viewing and selecting images and generating the print request data, the viewer program being operated by the run program (col. 6, lines 15-37, software allows manipulation and/or sorting of digital images).

Referring to **claim 33**, McIntyre '868 discloses wherein the run program executes an order content input processing program for viewing and selecting images and generating the print request data, and

wherein the run program connects to the selected print service receiving server prior to running the order content input processing program (col. 6, lines 15-37, software allows manipulation and/or sorting of digital images).

Referring to **claim 34**, McIntyre et al. disclose wherein the selected print service receiving server provides the order content input processing program to the terminal through the network (col. 6, lines 15-37, CD storing images when loaded communicates to a network photoservice provider).

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter K Huntsinger/  
Examiner, Art Unit 2625

/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625